

1  
2  
3  
4  
5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**

7  
8 EDUARDO D. LIBRES, an individual,

2:11-CV-115 JCM (LRL)

9 Plaintiff,

10 v.

11 BANK OF AMERICA et al.,

12 Defendants.  
13  
14

15 **ORDER**

16 Presently before the court is defendants BAC Home Loans Servicing, LP's (erroneously  
17 named in the complaint as Bank of America), Countrywide Home Loans, Inc.'s, Mortgage Electronic  
18 Registration Systems' motion to dismiss plaintiff's complaint. (Doc. #13). To date, the plaintiff has  
19 not responded.

20 Pursuant to Local Rule 7-2(b), an opposing party's failure to file a timely response to any  
21 motion constitutes the party's consent to the granting of the motion and is proper grounds for  
22 dismissal. *U.S. v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). However, prior to dismissal, the  
23 district court is required to weigh several factors: "(1) the public's interest in expeditious resolution  
24 of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants;  
25 (4) the public policy favoring disposition of cases of their merits; and (5) the availability of less  
26 drastic sanctions." *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

27 . . .  
28

1 In light of the plaintiff's failure to respond and weighing the factors identified in *Ghazali*,  
2 the court finds dismissal appropriate.

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants' motion to  
5 dismiss (doc. #13) is GRANTED. The case is hereby dismissed as to defendants BAC Home Loans  
6 Servicing, LP (erroneously named in the complaint as Bank of America), Countrywide Home Loans,  
7 Inc., and Mortgage Electronic Registration Systems, Inc.

8 DATED June 14, 2011.

9  
10   
11 

---

UNITED STATES DISTRICT JUDGE  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28